

Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 195, Kenneth Allen Polite, Jr., of Louisiana, to be an Assistant Attorney General.

Charles E. Schumer, Richard J. Durbin, Tina Smith, Margaret Wood Hassan, Catherine Cortez Masto, Jeff Merkley, Patty Murray, Tammy Baldwin, Debbie Stabenow, Gary C. Peters, Angus S. King, Jr., Sheldon Whitehouse, Robert P. Casey, Jr., Christopher Murphy, Ben Ray Lujan, Jack Reed, Chris Van Hollen.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Kenneth Allen Polite, Jr., of Louisiana, to be an Assistant Attorney General, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 57, nays 43, as follows:

[Rollcall Vote No. 268 Ex.]

YEAS—57

Baldwin	Heinrich	Peters
Bennet	Hickenlooper	Portman
Blumenthal	Hirono	Reed
Booker	Kaine	Rosen
Brown	Kelly	Sanders
Cantwell	Kennedy	Schatz
Cardin	King	Schumer
Carper	Klobuchar	Shaheen
Casey	Leahy	Sinema
Cassidy	Lujan	Smith
Collins	Manchin	Stabenow
Coons	Markey	Tester
Cortez Masto	Menendez	Tillis
Duckworth	Merkley	Van Hollen
Durbin	Murkowski	Warner
Feinstein	Murphy	Warnock
Gillibrand	Murray	Warren
Graham	Ossoff	Whitehouse
Hassan	Padilla	Wyden

NAYS—43

Barrasso	Grassley	Romney
Blackburn	Hagerty	Rounds
Blunt	Hawley	Rubio
Boozman	Hoeven	Sasse
Braun	Hyde-Smith	Scott (FL)
Burr	Inhofe	Scott (SC)
Capito	Johnson	Shelby
Cornyn	Lankford	Sullivan
Cotton	Lee	Thune
Cramer	Lummis	Toomey
Crapo	Marshall	Tuberville
Cruz	McConnell	Wicker
Daines	Moran	Young
Ernst	Paul	
Fischer	Risch	

The PRESIDING OFFICER (Mr. LUJÁN). The yeas are 57, the nays are 43.

The motion is agreed to.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the

Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 246, Jennifer Ann Abruzzo, of New York, to be General Counsel of the National Labor Relations Board for a term of four years.

Charles E. Schumer, Ben Ray Lujan, Jeff Merkley, Raphael G. Warnock, Alex Padilla, Sheldon Whitehouse, Christopher A. Coons, Benjamin L. Cardin, Jack Reed, Patrick J. Leahy, Tammy Baldwin, Robert P. Casey, Jr., Christopher Murphy, Tim Kaine, John W. Hickenlooper, Angus S. King, Jr., Tammy Duckworth, Patty Murray.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Jennifer Ann Abruzzo, of New York, to be General Counsel of the National Labor Relations Board for a term of four years, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

The yeas and nays resulted—yeas 50, nays 50, as follows:

[Rollcall Vote No. 269 Ex.]

YEAS—50

Baldwin	Hickenlooper	Reed
Bennet	Hirono	Rosen
Blumenthal	Kaine	Sanders
Booker	Kelly	Schatz
Brown	King	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Leahy	Sinema
Carper	Lujan	Smith
Casey	Manchin	Stabenow
Coons	Markey	Tester
Cortez Masto	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murphy	Warnock
Feinstein	Murray	Warren
Gillibrand	Ossoff	Whitehouse
Hassan	Padilla	Wyden
Heinrich	Peters	

NAYS—50

Barrasso	Graham	Portman
Blackburn	Grassley	Risch
Blunt	Hagerty	Romney
Boozman	Hawley	Rounds
Braun	Hoeven	Rubio
Burr	Hyde-Smith	Sasse
Capito	Inhofe	Scott (FL)
Cassidy	Johnson	Scott (SC)
Collins	Kennedy	Shelby
Cornyn	Lankford	Sullivan
Cotton	Lee	Thune
Cramer	Lummis	Tillis
Crapo	Marshall	Toomey
Cruz	McConnell	Tuberville
Daines	Moran	Wicker
Ernst	Murkowski	Young
Fischer	Paul	

(Ms. SINEMA assumed the Chair.)

The VICE PRESIDENT. On this vote, the yeas are 50, the nays are 50. The Senate being equally divided, the Vice President votes in the affirmative.

The motion is agreed to.

EXECUTIVE CALENDAR

The VICE PRESIDENT. The clerk will report the nomination.

The bill clerk read the nomination of Jennifer Ann Abruzzo, of New York, to be General Counsel of the National Labor Relations Board for a term of four years.

RECESS

The VICE PRESIDENT. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 1:12 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. SINEMA).

EXECUTIVE CALENDAR—Continued

VOTE ON POLITE NOMINATION

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. Madam President, I ask unanimous consent that the scheduled vote take place immediately.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the Polite nomination?

Mr. COONS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The result was announced—yeas 56, nays 44, as follows:

[Rollcall Vote No. 270 Ex.]

YEAS—56

Baldwin	Heinrich	Peters
Bennet	Hickenlooper	Reed
Blumenthal	Hirono	Rosen
Booker	Kaine	Sanders
Brown	Kelly	Schatz
Cantwell	Kennedy	Schumer
Cardin	King	Shaheen
Carper	Klobuchar	Sinema
Casey	Leahy	Smith
Cassidy	Lujan	Stabenow
Collins	Manchin	Tester
Coons	Markey	Tillis
Cortez Masto	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murkowski	Warnock
Feinstein	Murphy	Warren
Gillibrand	Murray	Whitehouse
Graham	Ossoff	Wyden
Hassan	Padilla	

NAYS—44

Barrasso	Grassley	Risch
Blackburn	Hagerty	Romney
Blunt	Hawley	Rounds
Boozman	Hoeven	Rubio
Braun	Hyde-Smith	Sasse
Burr	Inhofe	Scott (FL)
Capito	Johnson	Scott (SC)
Cornyn	Lankford	Shelby
Cotton	Lee	Sullivan
Cramer	Lummis	Thune
Crapo	Marshall	Toomey
Cruz	McConnell	Tuberville
Daines	Moran	Wicker
Ernst	Paul	Young
Fischer	Portman	

The nomination was confirmed.

The PRESIDING OFFICER (Mr. SCHATZ). Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

The majority whip.

LEGISLATIVE SESSION

VOCA FIX TO SUSTAIN THE CRIME
VICTIMS FUND ACT OF 2021

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate resume legislative session and the Senate begin consideration of H.R. 1652, under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 1652) to deposit certain funds into the Crime Victims Fund, to waive matching requirements, and for other purposes.

AMENDMENT NO. 2121, AS MODIFIED

Mr. DURBIN. I ask unanimous consent that the Toomey amendment be called up, as modified with the changes at the desk, and that it be reported by number.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment by number.

The senior assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for Mr. TOOMEY, proposes an amendment numbered 2121, as modified.

The amendment is as follows:

(Purpose: To ensure adequate funding in the Crime Victims Fund is disbursed to victims, their families, and their advocates each year)

At the appropriate place, insert the following:

SEC. ____ . POINT OF ORDER.

Section 1402 of the Victims of Crime Act of 1984 (34 U.S.C. 20101) is amended by striking subsection (c) and inserting the following:

“(c)(1) Sums deposited in the Fund shall remain in the Fund and be available for expenditure under this chapter for grants under this chapter without fiscal year limitation, in accordance with paragraph (2). Notwithstanding subsection (d)(5), all sums deposited in the Fund in any fiscal year that are not made available for obligation by Congress in the subsequent fiscal year shall remain in the Fund for obligation in future fiscal years, without fiscal year limitation.

“(2)(A) Except as provided in subparagraph (C), it shall not be in order in the Senate or the House of Representatives to consider a provision in a bill or joint resolution making appropriations for all or a portion of a fiscal year, or an amendment thereto, amendment between the Houses in relation thereto, conference report thereon, or motion thereon, that would cause the amount of annual disbursements from the Fund to be below the annual average amount that was deposited into the Fund during the 3-fiscal-year period beginning on October 1 of the fourth fiscal year before the fiscal year to which the disbursement level applies.

“(B) If a point of order is raised by a Member under subparagraph (A), and the point of order is sustained by the Chair, the provision shall be stricken from the measure and may not be offered as an amendment from the floor.

“(C) A point of order shall not lie in the Senate or the House of Representatives under this paragraph if the difference between the amount in the Fund as of September 30 of the fiscal year immediately preceding the fiscal year to which the annual

disbursements described in subparagraph (A) relates and the amount available for obligation through the annual disbursements described in subparagraph (A) is not more than \$2,000,000,000.

“(3) Paragraph (2) may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under paragraph (2).

“(4) This subsection is enacted by Congress—

“(A) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution, and it supersedes other rules only to the extent that it is inconsistent with those rules; and

“(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.”

ORDER OF BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that at 5:15 today the Senate vote on the Toomey amendment and on the passage of the bill, as amended, if amended, as provided for under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Montana.

NOMINATION OF TRACY STONE-MANNING

Mr. DAINES. Mr. President, today, I rise to bring attention to new revelations about President Biden's nominee to head the Bureau of Land Management, Tracy Stone-Manning's involvement in a tree-spiking incident in Idaho, and to share why I oppose her confirmation.

I would have welcomed having a nominee with such strong ties to Montana to be the Director of the Bureau of Land Management, and, until recently, I believed, as did most Montanans, based on her testimony before the Montana State Legislature, back in 2013, that her role in the tree-spiking crime was minimal, her actions were helpful, and she helped bring criminals to justice.

Unfortunately, new information has revealed that this simply was not the case. In fact, rather than bringing criminals to justice, Ms. Stone-Manning assisted in helping them evade justice for years—for years.

I am going to lay this out because I think it is important that the facts are shared before this body. First, it reveals that she withheld the truth from investigators for several years. Second, it reveals that she harshly criticized Federal law enforcement at the very same time she was refusing to tell them the truth. And, third, it reveals that she has not taken responsibility or expressed remorse for not speaking the truth much, much sooner.

I know many of my colleagues are probably just tuning into Ms. Stone-Manning's involvement in a tree-spik-

ing crime committed in 1989 while she was a member of an ecoterrorist group called Earth First!

The picture that she and her advocates have painted about her involvement in this crime is that she was the innocent hero who helped put bad people in jail. Well, in recent weeks, we have learned there is a lot more to this story. It is very alarming. It is very disturbing on many levels.

Ms. Stone-Manning stated to the Montana State Legislature that a rather frightening man approached her with a letter while she was on campus. Come to find out, that man wasn't a stranger. It was her roommate and someone whom she described to the court during the 1993 trial as someone who was in her main circle of friends.

Ms. Stone-Manning stated that she simply mailed the anonymous letter—that she simply mailed it. But in reality, and as we have since found out and as we have explored court records in Idaho, this information had not come out, except in the last 45 days.

The investigation later revealed that this letter had not only been collaboratively composed, but after waiting for a few days, it was typed by Ms. Stone-Manning on a rented typewriter, which, according to her very own testimony, was because she wanted to avoid having it on her own computer and avoid having any fingerprints that could be traced back to her.

The words that Ms. Stone-Manning typed and mailed are explicit. It is not what you type and send to protect people. They are what you say to frighten people.

I am going to read this letter—it is not very long—that Ms. Stone-Manning typed on a rented typewriter and personally mailed. It says:

To Whom It May Concern:

This letter is being sent to notify you that the Post Office Sale—

If I can add, the Post Office Sale was a timber sale. They labeled it the “Post Office Sale.”—

in Idaho has been spiked heavily.

The reasoning for this action is that this piece of land is very special to the earth. It is home to the Elk, Deer, Mountain Lions, Birds, and especially the Trees.

The project required that eleven of us spend nine days in God awful weather conditions spiking trees. We unloaded a total of five hundred pounds of spikes measuring 8 to 10 inches in length. The sales were marked so that no workers will be injured and so that you assholes know that they are spiked. The majority of trees were spiked within the first ten feet, but many, many others were spiked as high as a hundred and fifty feet.

I would be more than willing to pay you a dollar for the sale, but you would have to find me first and that could be your WORST nightmare.

Sincerely, George Hayduke

P.S. You bastards go in there anyway and a lot of people could get hurt.

The text of that letter was never made public until very recently, just in the last 45 days. Montanans never had the opportunity to read what Ms. Stone-Manning typed on the rented typewriter and sent until just a few weeks ago.